

Regular Session, 2003

# ACT No. 352

SENATE BILL NO. 828

BY SENATOR BOISSIERE AND REPRESENTATIVE MURRAY

## AN ACT

To amend and reenact R.S. 27:353(4), 361(C), and 392(B)(2)(b), (3)(a), (b), and (c)(i), and (4), and (6) and to enact R.S. 27:363(C), 372.1 and 392(B)(3)(d) and (7), relative to Pari-mutuel Live Racing Facility Economic Redevelopment and Gaming Control Act; to provide with respect to slot machine gaming at live racing facilities; to authorize slot machine gaming at an eligible facility in Orleans Parish; to create the Bossier Parish Truancy Program Fund; to provide with respect to the allocation of revenue from facilities in certain parishes; to provide for the authority of the Gaming Control Board to approve, execute, and implement an amendment of the casino operating contract and issue or modify regulatory approvals related thereto; to provide limitations on the number of slot machines operated at an eligible facility in Orleans Parish; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 27:353(4), 361(C), and 392(B)(2)(b), (3)(a), (b), and (c)(i), and (4), and (6) are hereby amended and reenacted and R.S. 27:363(C), 372.1 and 392(B)(3)(d) and (7) are hereby enacted to read as follows:

### §353. Definitions

When used in this Chapter, the following terms shall have these meanings:

\* \* \*

(4) "Eligible facility" means no more than one facility in St.

Landry Parish, Bossier Parish, **Orleans Parish**, and Calcasieu Parish at which the Louisiana State Racing Commission has licensed the conduct or at which the commission has approved the future licensing of the conduct of not less than eighty days within a consecutive twenty-week period each year of live horse race meetings.

\* \* \*

§361. Conduct of slot machine gaming; temporary conduct

\* \* \*

C.~~(1)~~ An application may be approved by the board only after the electorate in the parish in which the eligible facility is located or, is proposed to be located, as provided for in Subsection D of this Section, has approved the conduct of slot machine gaming at such facility at an election, as provided in Part III of this Chapter.

**R.S. 27:361(C)(2) is all new law.**

(2) In addition to the requirements of Paragraph (1) of this Subsection, an application for an eligible facility in Orleans Parish may be approved by the board only after the Amended and Renegotiated Casino Operating Contract entered into pursuant to R.S. 27:201 et seq., on October 30, 1998, as amended effective October 19, 1999, March 29, 2001, and March 31, 2001, has been further amended to provide that the inclusion, licensing, or operation of an eligible facility in Orleans Parish shall not constitute an Exclusivity Violation or prohibited land-based gaming as defined in such contract, as amended, following approval of such amendment by the Joint Legislative Committee on the Budget as required by the provisions of Subsection B of Section 3 of Act No. 1 of the First Extraordinary Session of 2001.

\* \* \*

§363. Suitability standards

\* \* \*

**R.S. 27:363(C) is all new law.**

C.(1) The applicant must have a good faith plan to recruit, train, and upgrade minorities in all employment classifications.

(2) It shall be required by the owners, to provide the maximum practical opportunities, for participation by the broadest number of minority-owned businesses. Such offering of participation by owners to the disadvantaged business enterprises who qualify under the provision of this Chapter, shall be at a price not to exceed the price paid per share or interest paid by the ownership interests.

(3) The legislature hereby further directs that the written policies, procedures, and regulations shall provide for the inclusion of businesses owned by minorities to the maximum extent practicable.

(4)(a) All businesses or vendors selected by the eligible facility for any purpose shall strictly adhere to the nondiscrimination policies and practices embodied in applicable federal, state, and local law.

(b) Any business, vendor, and/or contractor selected by the eligible facility to operate slot machine gaming contemplated herein shall, as nearly as practicable, employ minorities consistent with the population of the state.

\* \* \*

§372.1. Limitations on the number of slot machines operated at an eligible facility in Orleans Parish

**R.S. 27:372.1 is all new law.**

A. Notwithstanding any provision of law to the contrary, a license issued by the board to conduct slot machine gaming at an

eligible facility in Orleans Parish shall be subject to the following limitations regarding the number of slot machines which may be operated at the eligible facility:

(1) On or after July 1, 2003, the eligible facility shall be authorized to have a maximum of three hundred slot machines at the eligible facility.

(2) On or after July 1, 2004, the eligible facility shall be authorized to have a maximum of four hundred slot machines at the eligible facility.

(3) On or after July 1, 2005, the eligible facility shall be authorized to have a maximum of five hundred slot machines at the eligible facility.

(4) At any time after July 1, 2005, in the event the gross gaming revenues of the casino gaming operator as defined in R.S. 27:205(5) exceed three hundred fifty million dollars for any preceding twelve-month period, the eligible facility shall be authorized to have a maximum of seven hundred slot machines.

B. Notwithstanding the provisions of Subsection A of this Section if the Amended and Renegotiated Casino Operating Contract entered into on October 30, 1998, as previously amended effective October 19, 1999, March 29, 2001, and March 31, 2001, is terminated and the state of Louisiana does not become a party to any other casino operating contract as defined in R.S. 27:205(6) which contains exclusivity provisions in accordance with R.S. 27:201 et seq., the eligible facility located in Orleans Parish shall not be limited to a fixed number of slot machines which may be placed in the designated gaming area provided for in R.S. 27:372.

C. An eligible facility located in Orleans Parish shall be subject to all licensing requirements and limitations provided by this Chapter in addition to the provisions of this Section.

\* \* \*

§392. Collection and disposition of fees and taxes

\* \* \*

B.(1) \* \* \*

(2) \* \* \*

(b) Monies in the Gaming Control Fund shall be withdrawn only pursuant to appropriation by the legislature and shall be used solely for the expenses of the board, the Department of Justice, and the division which are necessary to carry out the provisions of this Chapter. Monies in the fund remaining after appropriation for expenses of the board, the Department of Justice, and the division shall be credited as hereinafter provided in ~~Paragraph (4)~~ of this Subsection.

\* \* \*

(3) After complying with the provisions of Paragraphs (1) and (2) of this Subsection, the state treasurer shall, each fiscal year, credit five percent of the state portion of taxable net slot machine proceeds collected from each licensed eligible facility to the following special funds:

(a) ~~The Bossier Educational Excellence Fund in Bossier Parish from the proceeds derived from the licensed eligible facility in Bossier Parish.~~ (i) The Bossier Parish Truancy Program Fund, which is hereby created in the state treasury from the proceeds derived from the licensed eligible facility in Bossier Parish. Monies in the Bossier Parish Truancy Program Fund, for purposes of this

Subparagraph referred to as the "fund", shall be withdrawn only pursuant to appropriation by the legislature and shall be used solely and exclusively by the district attorney in the Twenty-Sixth Judicial District to support a truancy program and truancy related matters within the Twenty-Sixth Judicial District.

(ii) Monies in the fund shall be invested by the state treasurer in the same manner as monies in the state general fund. Interest earned on investment of monies in the fund shall be credited to the fund. Unexpended and unencumbered monies in the fund at the end of each fiscal year shall remain in the fund.

(b)(i) The St. Landry Parish Excellence Fund in ~~St. Landry Parish~~ which is hereby created in the state treasury from proceeds derived from the licensed eligible facility in St. Landry Parish.

Monies in the St. Landry Parish Excellence Fund, for purposes of this Subparagraph referred to as the "fund", shall be withdrawn only pursuant to appropriation by the legislature and shall be used solely and exclusively by the St. Landry School Board and the Louisiana Community and Technical College System as provided in this Subparagraph. Monies in the fund shall be used solely and exclusively for the construction and operation of a Career and Technology Center to be located in St. Landry Parish. The Career and Technology Center shall serve secondary and postsecondary students and shall provide occupational and workforce training. All courses of instruction provided at the Career and Technology Center shall be approved by the Board of Supervisors of Community and Technical Colleges.

(ii) Monies in the fund shall be invested by the state treasurer in

the same manner as monies in the state general fund. Interest earnings on investment of monies in the fund shall be credited to the fund. Unexpended and unencumbered monies in the fund at the end of each fiscal year shall remain in the fund. ~~The principle in the fund may not be appropriated. Interest earnings may be appropriated, but only for enhancements to the education program in St. Landry Parish.~~

(c)(i) The Calcasieu Parish Excellence Fund, ~~in Calcasieu Parish~~ which is hereby created in the state treasury, **from the proceeds derived from the licensed eligible facility in Calcasieu Parish.**

Monies in the Calcasieu Parish Excellence Fund, for purposes of this Subparagraph referred to as the "fund", shall be withdrawn only pursuant to appropriation by the legislature. Monies in the fund shall be invested by the state treasurer in the same manner as monies in the state general fund. Interest earnings on investment of monies in the fund shall be credited to the fund. Unexpended and unencumbered monies in the fund at the end of each fiscal year shall remain in the fund.

\* \* \*

**R.S. 27:392(B)(3)(d) is all new law.**

(d) The Orleans Parish Excellence Fund which is hereby created in the state treasury from the proceeds derived from the licensed eligible facility in Orleans Parish. Monies in the Orleans Parish Excellence Fund, for purposes of this Subparagraph referred to as the "fund", shall be withdrawn only pursuant to appropriation by the legislature and shall be used solely and exclusively by the Louisiana Community and Technical College System as provided in this Subparagraph. Monies in the fund shall be used solely and exclusively

for the construction and operation of an Allied Health and Nursing Program and campus to be located in Orleans Parish. The Allied Health and Nursing Program and campus shall serve secondary and postsecondary students and shall provide occupational and workforce training. All courses of instruction provided at the Allied Health and Nursing Program shall be approved by the Board of Supervisors of Community and Technical Colleges. Monies in the fund shall be invested by the state treasurer in the same manner as monies in the state general fund. Interest earnings on investment of monies in the fund shall be credited to the fund. Unexpended and unencumbered monies in the fund at the end of each fiscal year shall remain in the fund.

(4) After complying with the provisions of Paragraphs (1) ~~and (2)~~ **through (3)** of this Subsection, the state treasurer shall, each fiscal year, credit a total of twelve million dollars from the combined taxable net slot machine proceeds collected by the state from each licensed eligible facility, as defined herein, to the fund previously established by R.S. 3:277. These proceeds shall be expended, utilizing any or all powers granted to the Louisiana Agricultural Finance Authority, including the funding or securing of revenue bonds, exclusively for meeting the needs of the Boll Weevil Eradication program and other agricultural, agronomic, horticultural, silvicultural or aquacultural, industrial, or economic development programs.

\* \* \*

**R.S. 27:392(B)(6) is all new law.**

(6) After compliance with the provisions of Paragraphs (1) through (5) of this Subsection, pursuant to an annual appropriation by the legislature, remaining monies in an amount of fifty thousand dollars



shall be used solely and exclusively for the Southern University Urban Tourism and Marketing Program and fifty thousand dollars shall be used solely and exclusively for the Orleans Parish District Attorney's Office.

(7) After compliance with the provisions of Paragraphs (1) through (6) of this Subsection, remaining monies shall be deposited in and credited to the state general fund.

Section 2. In addition to the authority provided in R.S. 27:245(A), the board is expressly authorized to approve, execute, and implement an amendment to any of the provisions of the Amended and Renegotiated Casino Operating Contract entered into on October 30, 1998, as previously amended effective October 19, 1999, March 29, 2001, and March 31, 2001, consistent with the provisions of this Act and to issue or modify any regulatory provisions or approvals related thereto, following approval of such amendment by the Joint Legislative Committee on the Budget as required by the provisions of Subsection B of Section 3 of Act No. 1 of the First Extraordinary Session of 2001. The exercise of this authority shall not be subject to or limited by the provisions of R.S. 27:25 and 26, or any of the provisions of the Administrative Procedure Act.

---

PRESIDENT OF THE SENATE

---

SPEAKER OF THE HOUSE OF REPRESENTATIVES

---

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_